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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 11-CR-00080-SBA (LB)
	)	
Plaintiff,	)	
	)	
v.	)	<b>DETENTION ORDER</b>
	)	
ZACHARY MICHAEL TRIMBLE,	)	
	)	
Defendant.	)	
	)	

In this case involving emailed threats in violation of 18 U.S.C. § 875(c) (a crime of violence under 18 U.S.C. § 3141(g)(1)), the court orders defendant Zachary Trimble detained pending trial for the reasons stated on the record at the detention hearing on March 4, 2011 and summarized below. The court bases its decision on the information proffered by both parties, the discovery produced by the government, and the bail study by the U.S. Pretrial Services Agency, and finds that no condition or combination of conditions will reasonably assure the defendant's appearance in this case or the safety of others persons and the community.

Among other facts, the court finds the following information relevant to its decision. The emails that form the basis for the charged offenses (which Trimble admits sending) contain

1 specific threats of physical violence. These and other harassing and obscene emails raise  
2 concerns that Trimble might carry out his threats or threaten or intimidate potential witnesses.  
3 The emails, the proffers, the bail study, and Trimble's statements to law enforcement also  
4 suggest potential mental health issues that may be relevant to whether Trimble will carry out the  
5 threats. These facts all support the court's finding by clear and convincing evidence that no  
6 condition or combination of conditions will reasonably assure the safety of others persons and  
7 the community.

8 The same facts – viewed in the context of Trimble's personal circumstances – raise concerns  
9 about risk of flight. Trimble came here recently, and he has no established residence in this area.  
10 He now is estranged from his wife, and his child was removed from his custody before his arrest  
11 in this case. He denies that he and his wife moved here from Kansas in response to a child  
12 protective services investigation, and he proffered some support for his position, but at the same  
13 time, the government proffered information that he did move to in response to that investigation.  
14 Particularly when viewed in light of some of the grandiose and delusional statements in the bail  
15 study, the court has concerns about Trimble's mental health and – on this record – finds by a  
16 preponderance of the evidence that no conditions will reasonably assure Trimble's appearance  
17 int the case.

18 This detention order is without prejudice to Trimble's ability to present information at a  
19 future bail hearing to address the court's concerns. That information might be a mental health  
20 evaluation to address the concerns about flight risk and danger. As the court said at the hearing,  
21 without that evaluation, the court cannot determine whether any condition or set of conditions  
22 might mitigate the risk of danger or flight.

23 Accordingly, the court detains the defendant as a danger to the community and as a flight  
24 risk without prejudice to his raising the bail issue at a future hearing and excludes time under the  
25 Speedy Trial Act as set forth in the previous section. The Court orders the defendant committed  
26 to the custody of the Attorney General or a designated representative for confinement in a  
27 corrections facility separate, to the extent practicable, from persons awaiting or serving  
28 sentences or held in custody pending appeal. *See* 18 U.S.C. § 3142(i)(2). The defendant must be  
afforded

1 a reasonable opportunity to consult privately with counsel. *See id.* § 3142(i)(3). On order of a  
2 court of the United States or on request of an attorney for the government, the person in charge  
3 of the corrections facility must deliver the defendant to the United States Marshal for a court  
4 appearance. *See id.* § 3142(i)(4).

5 IT IS SO ORDERED.

6  
7 DATED: March 8, 2011



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LAUREL BEELER  
United States Magistrate Judge